



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
Attorney General

DIVISION OF SOCIAL JUSTICE
Environmental Protection Bureau

April 18, 2025

BY CM/ECF

The Honorable Daniel J. Stewart
U.S. Magistrate Judge
United States District Court for the Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, 4th Floor
Albany, New York 12207

Re: *West Virginia v. James*
No. 1:25-cv-00168-BKS-DJS

Dear Magistrate Judge Stewart:

Our office represents defendants Attorney General Letitia James, Acting Commissioner Amanda Lefton, and Acting Commissioner Amanda Hiller (collectively, the “State”) in the above-referenced matter. The State would like to respectfully request that the Court (a) extend the time for the State to answer or otherwise respond to plaintiffs’ amended complaint and (b) reschedule the Federal Rule of Civil Procedure 16(b) conference.

First, the State requests that the Court grant the State an extension of time until Monday, May 19, 2025, to answer or otherwise respond to plaintiffs’ amended complaint. Plaintiffs served the State with the original complaint on January 18, 2025, and the State filed its answer on March 17, 2025 [ECF 114]. Plaintiffs then filed an amended complaint on April 7, 2025 [ECF 125], and pursuant to Federal Rule of Civil Procedure 15(a)(3), the State has 14 days, until April 21, 2025, to answer or otherwise respond to the amended complaint. Due to the press of other work and with the consent of all plaintiffs’ counsel, the State seeks an extension of that deadline to May 19.

Second, we request that the Rule 16 case management conference, currently set for Friday, May 9, 2025, be rescheduled until a time after the State’s motion to transfer venue from the Southern District of New York to this district in *Chamber of Commerce of the U.S.A. v James* (S.D.N.Y. No. 1:25-cv-01738-MKV), and the

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motion of West Harlem Environmental Action, Inc. and others to intervene in this case [ECF 130], have been decided. Pursuant to a scheduling order issued by District Judge Mary Kay Vyskocil in the Southern District action, the State filed its motion to transfer on April 11, 2025, an opposition is due on or before April 25, 2025, and a reply is due on or before May 2, 2025. Rescheduling the Rule 16 case management conference until after both motions have been decided would allow all parties—both current parties and possible future ones—to address each of the required case management items more comprehensively, with the objective of holding a more productive Rule 16 conference and more efficiently setting a schedule for the case. Plaintiffs have not yet taken a position as to the State’s request to postpone the Rule 16 conference.

Thank you for the Court’s consideration of this request.

Respectfully submitted,

/s/ Andrew G. Frank

Andrew G. Frank (admitted pro hac vice)
Assistant Attorney General

Copy (by CM/ECF): All counsel of record